

Application No. 10/053756
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Amendment
Attorney Docket No. S63.2B-10056-US01

Remarks

This Amendment After Final is in response to the Final Office Action dated February 24, 2005, wherein claims 1-7, 9-18 and 20-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,174,329 to Callol et al (hereinafter: Callol); and claims 1-12 and 17-21 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. 6,613,079 to Wolinsky et al (hereinafter: Wolinsky) in view of U.S. 6,379,379 to Wang et al (hereinafter: Wang).

The following comments are presented in the same order and with headings and paragraph numbers corresponding to the Final Office Action.

Claim Rejections – 35 USC §102

2-3. In the Final Office Action, claims 1-7, 9-18 and 20-21 were rejected under §102(e) as being anticipated by Callol.

As indicated above, instant claim 1 recites that in the reduced state the at least one bumper is immediately adjacent to the at least one strut comprising the therapeutic substance but not in contact with the therapeutic substance. This is not a feature taught by Callol.

In Callol a radiopaque layer has a protective coating over the entire surface of the stent and/or over a radiopaque portion of the stent. Nowhere does Callol teach or suggest the selective use of a therapeutic coating with a polymeric matrix as described in the instant claims.

In regard to claim 20, the selective application of a therapeutic coating onto the polymer matrix is likewise not taught by Callol.

For at least the reasons stated, the rejection is respectfully overcome.

Claim Rejections – 35 USC §103

4-5. In the Final Office Action claims 1-12 and 17-21 were rejected under §103(a) as being obvious over Wolinsky in view of Wang.

In the Final Office Action it is asserted that Wolinsky discloses "a stent having all of the limitations of the claims except for the presence of a substance coating" and that it would be obvious to employ a substance coating as described in Wang on the Wolinsky stent in order to provide better treatment at an implanted site.

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One of ordinary skill in the art however, would recognize that if the protrusions of Wolinsky are designed to abut as a point of first contact, such as Wolinsky describes (column 10, lines 41-49) any substance placed on such struts would certainly be contacted by one or more adjacent struts or protrusions. It must also be noted that like Wolinsky, Wang fails to teach or suggest a stent having at least one bumper as the instant claims recite. Furthermore, the references when view alone or in the combination proposed by the Final Office Action, teach or suggest selectively providing a polymer matrix with a therapeutic substance as described in the instant claims.

For at least these reasons the rejection is respectfully overcome.

Conclusion

In light of the above claims 1-21 are believed to be in condition for allowance. Favorable consideration and prompt action to that effect are sincerely requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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